

**TOWN OF FAIRFIELD
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 370**

**AN ORDINANCE OF THE TOWN OF FAIRFIELD, WASHINGTON,
ADOPTING RULES AND REQUIREMENTS FOR CUSTOMERS OF THE
TOWN'S SEWER UTILITY AND OTHER MATTERS PROPERLY RELATED
THERETO.**

WHEREAS, the Town through its legislative authority has the power and authority to establish rates for sewer service and also to establish reasonable usage fees, and connection charges;

WHEREAS, the Town is vested with the authority to operate a municipal sewer system pursuant to RCW Chapter 35.67 and RCW 35.92.020; and

WHEREAS, the Town also has authority to establish reasonable rules for the safe and effective operation of the Town's sewer system.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF FAIRFIELD, WASHINGTON AS FOLLOWS:**

For purposes of convenience, the Table of Contents entitled "Sewer System" for Ordinance No. 370 is set is reorganized by assignment of new code citations as set forth below forth below.

SEWER SYSTEM

Sections:

- .010 Connection and Maintenance.
- .020 Use Classification and Rates.
- .030 Sewer Connection Fee.
- .040 Grease Trap Requirements.
- .050 Rights to Rate Revision.
- .060 Owner Responsible for Account .
- .070 Payment Delinquency.
- .080 Payment Plan.
- .090 Unpaid Charges – Lien.
- .100 Shutoff.
- .110 Digging of Privy Vault.
- .120 Violation – Penalty.
- .130 Rules and Regulations.
- .140 Severability.
- .150 Effective Date.

Section 1 Amendment. Section 13.08.010 entitled "Connection and Maintenance" of the Town of Fairfield Code is amended as follows:

13.08.010 Connection and Maintenance.

A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable plumbing and sanitary sewer facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance.

All owners of property within the Town that are within 200 feet of the general sewer system and are subject to WAC 246-272A-0025 or in the areas capable of receiving the services of the sewer system, shall within thirty (30) days after notice signed by the Town clerk/treasurer, cause a connection to be made between the sewer and the property's disposal facilities. All connections of such sewer system shall be maintained in a sanitary, permanent and watertight condition, and shall be sufficient to carry all sewage and waste fluids of every kind from any building into the system of sewerage and each toilet, sink, station waste fluids shall be connected with the sewer system; provided, that where the building or structure has not been completed before such notice, connection shall be made on or before the completion of such building or structure and before any occupancy or other use.

B. If any connection or any needed repair shall not be made within the time herein provided, the Town council is authorized and directed to cause the same to be made and to file a statement of the costs thereof with the Town clerk-treasurer and thereupon a warrant shall be issued under the direction of the Town council by the Town clerk-treasurer and against the joint waterworks system of the sewerage fund of 1950, created by Ordinance No 103 for the payment of such cost. The amount of such cost, together with a penalty set by council resolution shall be assessed against the property from which the building or structure is situated and each shall become a lien thereon as hereafter provided.

Section 2 Amendment. Section 13.08.020 entitled "Use Classification and Rates" of the Town of Fairfield Code is amended as follows:

13.08.020 Use Classification and Rates.

- A. Sewer user classifications shall be as follows:
1. Residential
 2. Commercial
 3. Multi-family
 4. Nursing home/apartment complex
 5. Other uses identified by Council resolution.

B. The Town Council, annually, through Resolution, shall establish the rates for sewer service, connection charges, late charges, penalties, interest, and all other financial matters relating to the operation, maintenance, use and construction of the public sewer system in a manner consistent with RCW 35.67.020.

Section 3 Amendment. Section 13.08.030 entitled "Sewer Connection Fee" of the Town of Fairfield Code is amended as follows:

13.08.030 Sewer Connection Fee.

A. The Sewer Connection fee and related charges shall be set by Council resolution.

Section 4 Remaining Section. Section 13.08.040 entitled "Grease Trap Requirements" of the Town of Fairfield Code is reproduced for convenience:

13.08.040 Grease trap requirements.

Any garage, service station, café, industry or other user having any appreciable amount of grease or other waste not susceptible of proper treatment in the septic tank or disposal system of the Town shall install a grease trap or separator of a type approved by the State Department of Health or the county sanitarian of the Spokane County Health Department.

Section 5 Repeal. Section 13.08.050 entitled "Deposit" of the Town of Fairfield Code is hereby repealed in its entirety as follows:

Section 6 Repeal. Section 13.08.060 entitled "Rights to Rate Revision" of the Town of Fairfield Code is hereby repealed in its entirety as follows:

Section 7 Amendment. Section 13.08.070 entitled "Owner Responsible for Account" of the Town of Fairfield Code is amended as follows:

13.08.070 Owner Responsible for Account.

All accounts for sewer shall be the responsibility of the owner(s) of the real property receiving the sewer. In the case of a mobile home or other temporary or mobile structure, the owner of the real estate shall be the responsible party. All accounts for sewer shall be kept in the name of the owner of the property, when known, and not in the name of the tenant, and the owner only, or his legally authorized agent, shall be held responsible for the payment of the sewer charges. Sewer accounts may be put in the name of the tenant only upon written application to the Town signed by the owner of the property and the tenant may be billed accordingly. The owner shall not be released from the responsibility for payment with all charges constituting a lien against the real property as well as a personal

obligation of the owner. No change in ownership or occupancy shall affect the application of this section.

Section 8 Amendment. Section 13.08.080 entitled "Payment Delinquency" of the Town of Fairfield Code is amended as follows:

13.08.080 Payment Delinquency.

Material and work done by the Town are to be paid by the property owner and shall be delinquent thirty (30) days after presentation of the bill by the town.

Sewer charges will be delinquent on the 16th day of each month. A late charge shall be assessed on all past due accounts at the rate set forth by resolution of the town council. The Town shall provide notice to the account holder of any late charges and that continued delinquency may result in termination of water service. (sewer cannot be shut off)

As authorized by RCW 35.67.290, the Town may disconnect water service and assess a late charge for a delinquent account. Any delinquency must be paid before the water is reinstated. For the purpose of operating a combined municipal utility system, payments will be allocated first to the sewer bill and second to the water bill.

Section 9 Amendment. Section 13.08.090 entitled "Payment Plan" of the Town of Fairfield Code is amended as follows:

13.08.090 Payment Plan.

A payment plan may be set up between the delinquent utility customer and the Town providing for periodic payments of past due amounts for utility services. Along with the payment of past due accounts, the customer must keep their current charges paid. No late fees will be assessed on the past due balance as long as payments are made on or before the 15th of each month. Minimum payments are to be determined in order to have the delinquent balance paid off in no more than one year. This is a one-time opportunity. Failure to pay the agreed amount and by the due date to the Town of Fairfield will result in a payment default with the payment plan agreement terminated and all monies immediately due. Water will be shut off until the account is paid in full or other acceptable arrangements have been made. After the water has been turned off at the curb cock, should it be turned on without the consent of the water department, it shall be considered stealing of a public utility and the sheriff will be notified. An additional fee, to be set by council resolution, will also be collected before it will be turned on again.

Section 10 Amendment. Section 13.08.100 entitled "Unpaid Charges – Lien" of the Town of Fairfield Code is amended as follows:

13.08.100 Unpaid Charges – Lien.

All sewer service charges shall be enforceable through a lien against the property even though sewer services may be contracted through an agent or tenant, to the extent authorized by law. The property owner shall remain liable for all sewer service charges.

All charges for connection and for sewer service provided for in this chapter, together with penalties and interest thereon, shall be a lien upon the property with which such connection is made or sewerage service rendered respectively, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. The lien shall be for all amounts that are twelve (12) months past due. See RCW 35.67.215. Notice of the lien may be filed with the Spokane County Assessor's office. The town clerk-treasurer is authorized and directed prior to the expiration of twelve (12) months from the first date of the first month for which such charges were unpaid to collect such charges as a lien upon such property and foreclosure pursuant to the terms of such RCW Chapter 35.67.

Section 11 Amendment. Section 13.08.110 entitled "Shutoff" of the Town of Fairfield Code is amended as follows:

13.08.110 Shutoff of water and sewer services for nonpayment.

A. As an additional and concurrent method of enforcing the lien of the Town for past due charges, the Town is authorized and directed ten (10) days after notice of delinquent charges to discontinue the water services to the premises. The notice of delinquency shall state: (a) the amount and date due; (b) the date when sewer service will be disconnected; (c) the availability of a payment plan; (d) the procedure to dispute the fees or charges; and (e) disconnection will result in a lien against the property.

B. There shall be a fee charged, as set by council resolution, payable in advance for having the water turned on again after such disconnection.

Section 12 Amendment. Section 13.08.120 entitled "Digging of Privy Vault" of the Town of Fairfield Code is amended as follows:

13.08.120 Digging of privy vault.

It is unlawful for any person to dig, or use, or cause to be dug, or used, any privy vault or cesspool that connects any plumbing with a cesspool, or build or cause to be built, any privy building within the Town limits, except upon the written permit from the Town council. All applications for such permit must be in writing and accompanied by a certificate showing that the premises are not within two hundred (200) feet of a

public sewer. Such certificate shall be issued by the town health officer or the water superintendent of the Town.

Section 13 New Section. The following new section entitled "Violation -- Penalty" of the Town of Fairfield Code is added:

13.08.130 Violation – Penalty.

Violation of any provision of this chapter requiring connection with or use of the sewer system of the Town is declared to be a misdemeanor, punishable by a fine or imprisonment or both pursuant to Section 1.08.010 of this code.

Section 14 New Section. The following new section entitled "Rules and Regulations" of the Town of Fairfield Code is added:

13.08.140 Rules and Regulations.

The Superintendent may propose rules and regulations for operation, maintenance and construction of the sewer system and any connection, service or other related matter. The proposed rules or regulations shall be adopted by the Town Council prior to being effective. The Town Clerk shall maintain the original and provide copies of all adopted rules and regulations.

Rules are made for the benefit of the sewer customers and for protection of the sewer system. Their enforcement shall in no case be willfully ignored by any city official or officer, but when a strict enforcement of any rule or rules would work a gross injustice on a customer, the superintendent of the water department may order a suspension of the rule or rules as to that particular case, and that decision shall in all such cases be final.

Section 15 New Section. The following new section entitled "Severability" of the Town of Fairfield Code is added:

13.08.150 Severability.

If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or this ordinance.

Section 16 New Section. The following new section entitled "Effective Date" of the Town of Fairfield Code is added:

13.08.160 Effective Date.

This Ordinance shall be in full force and effect after publication of this Ordinance or a summary thereof in the official newspaper of the Town as provided by law.

PASSED by the Town council in regular session on 10-16-2012.

Ed Huber, Mayor

Attested:

Cheryl Loeffler, Clerk/Treasurer

Stanley Schwartz, Attorney